

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center • 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

M E M O R A N D U M

DECEMBER 5, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (KEATING) *MCB*  
DIVISION OF COMMUNICATIONS (SAWYER) *LBB*  
DIVISION OF CONSUMER AFFAIRS (DEMELLO, PRUITT) *BSA*

RE: DOCKET NO. 961404-TL - BELL SOUTH - COMPLAINT OF DIETRICH SERVICE COMPANY AGAINST BELL SOUTH TELECOMMUNICATIONS, INC., REGARDING SERVICES AND CHARGES

AGENDA: 12/17/96 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\LEG\WP\961404TL.RCM

CASE BACKGROUND

On October 10, 1995, Mr. Paul Dietrich, owner of Dietrich Service Company (Mr. Dietrich), contacted the Division of Consumer Affairs and complained that he had been denied access to BellSouth's offices at 500 North Orange Street in Orlando. Mr. Dietrich had gone to BellSouth's office to review the company's tariff regarding Integrated Services Digital Network (ISDN) service. Mr. Dietrich also questioned why BellSouth charged him two installation charges of \$130 and \$56 for his ISDN service. He thought he was being unfairly charged for the terminating jacks at the point of demarcation. In order to resolve this complaint, Mr. Dietrich then requested: 1) access to BellSouth's tariffs; 2) an updated bill for his ISDN service; and 3) resolution of his service complaint.

In subsequent calls to the Division of Consumer Affairs, Mr. Dietrich added another issue to his original PSC complaint. He disputed a tax calculation for the billing adjustment that BellSouth was going to issue on his account. Mr. Dietrich emphasized his desire to have this matter resolved informally.

A telephone conference was held December 21, 1995, with BellSouth representatives, Commission staff, and Mr. Dietrich participating. An informal conference was held February 8, 1996,

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in the Commission's Orlando District office. Participants included Commission Consumer Affairs and Communications staff, BellSouth representative, and Mr. Dietrich. A second informal conference was held August 9, 1996.

As a result of these conferences, the only issues that remain in contention are: 1) whether BellSouth locates its demarcation point correctly; and 2) whether BellSouth has correctly billed Mr. Dietrich \$379.54 for local service only.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Is BellSouth in compliance with Rule 25-4.0345, Florida Administrative Code, Customer Premises Equipment and Inside Wire?

**RECOMMENDATION:** Yes. BellSouth is in compliance with PSC Rule 25-4.0345(1)(b)3, F.A.C., for Multi Line Systems/Single or Multi Customer Building.

**STAFF ANALYSIS:** Mr. Dietrich initially complained to the Commission because a BellSouth technician would not hook the ISDN line that he had ordered to any of the termination blocks in the equipment room in his building.

Mr. Dietrich argued that while he agreed with BellSouth's tariff on the demarcation point, he disagreed with the way BellSouth is interpreting the tariff. He believed the demarcation point should be located in the equipment room. He disputed BellSouth's interpretation of Rule 25-4.0345, F.A.C., concerning multi-tenant buildings. Further, Mr. Dietrich believed that the minimum point of entry (MPOE) demarcation decision by the FCC in Docket 88-57 is a more appropriate determination of the correct point of demarcation than Rule 24-4.0345. In addition, he asserted that BellSouth has been using the building owner's wire. Mr. Dietrich maintains that the company is taking over the property rights of the building owner. He wanted everything demarcated in the equipment room.

BellSouth asserted that Mr. Dietrich's building is a multi-customer building. As such, BellSouth asserted that if a customer in the building requests service, the company must fix the demarcation point of the service at the customer's premises, according to Rule 25-4.0345, Florida Administrative Code. In addition, BellSouth asserted that the company runs its own lines, and does not use a building owner's wire.

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Staff believes that Mr. Dietrich's building is a multi-customer building. Pursuant to Rule 25-4.0345(1)(b)2 and 3, F.A.C., the following apply to multi-customer buildings:

2. Single Line/Multi-Customer Building - Within the customer's premises at a point easily accessed by the customer.
3. Multi Line Systems/Single or Multi Customer Building - At a point within the same room and within 25 feet of the FCC registered terminal equipment or cross connect field.

Thus, a common equipment room is not an appropriate demarcation point. BellSouth is required to establish all demarcation points within the customer's premise in a manner that meets the applicable requirements. Staff believes that BellSouth has been physically interconnecting customer-owned wiring with its network appropriately.

**ISSUE 2:** Are BellSouth's outstanding charges to Mr. Dietrich, totalling \$379.54, appropriate?

**RECOMMENDATION:** Yes. The outstanding regular service charges, totalling \$379.54, that BellSouth has billed to Mr. Dietrich, should be found to be appropriate.

**STAFF ANALYSIS:** As of December 1, 1996, BellSouth reported that the company had disconnected all ISDN equipment at Mr. Dietrich's building, and had credited his account for the full amount of any charges associated with his ISDN service. BellSouth also maintained that it properly installed Mr. Dietrich's service on a RJ45 jack, which is a normal ISDN termination. (See Attachment 1). Staff agrees that the RJ45 jack is appropriate for terminating ISDN service.

BellSouth waived the jack charges and service charges related to the ISDN service from the date of installation on September 20, 1995, until October 3, 1995, when the installation was corrected. According to BellSouth's records, however, Mr. Dietrich still owes the company for local charges accruing after October 3, 1995. As of December 1, 1996, BellSouth has recorded \$379.54 on Mr. Dietrich's account for local charges for telephone service, and late charges associated with the past due amount.

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Staff believes the amount Mr. Dietrich has been billed to cover local charges and late fees is appropriate. While BellSouth has credited Mr. Dietrich's account for all fees associated with installation of the ISDN line and ISDN service charges, Mr. Dietrich has accrued approximately \$28 a month in local charges. Since Mr. Dietrich did get the benefit of local service, staff agrees that the billed amount of \$379.54 is a correct assessment of the amount necessary to cover the service currently provided.

**ISSUE 3:** Should this docket be closed?

**RECOMMENDATION:** Yes. If no person whose substantial interests are affected by the Commission's proposed agency action, timely files a protest within twenty-one days, this docket should be closed.

**STAFF ANALYSIS:** If no person whose substantial interests are affected, files a timely request for a Section 120.57(1), Florida Statutes, hearing within twenty-one days, no further action will be required and this docket should be closed.

BELLSOUTH  
TELECOMMUNICATIONS, INC.  
FLORIDA  
ISSUED: July 1, 1996  
BY: Joseph P. Lacher, President -FL  
Miami, Florida

GENERAL SUBSCRIBER SERVICE TARIFF

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EFFECTIVE: July 15, 1996

**A14. AUXILIARY EQUIPMENT<sup>1</sup>**

**A14.1 Network Interface (Cont'd)**

**A14.1.2 Rates and Charges (Cont'd)**

**C. Standard Data Network Interfaces**

**1. Single Line**

	Nonrecurring Charge	USOC
(a) Universal data jack for single line applications for both fixed loop and programmed types of data equipment	565.50	RJ415
(b) Programmed data jack for single line applications for the programmable type of modem only	55.25	RJ455
(c) Miniature eight-position keyed with make-bury leads for use with modems with programmable data	12.00	RJ4MB
<b>2. Multiple Line</b>		
(a) Common Equipment, for up to eight lines	176.25	RJ26X
(b) Multiple line data jack for programmable data equipment, each	57.00	RJ27X
<b>3. Multiple-Mounting Apparatus</b>		
(a) For up to eight single line, universal data, miniature eight position keyed network interfaces	115.00	RJ41M
(b) For up to eight single line, programmed data, miniature eight position keyed network interfaces	115.00	RJ45M
<b>4. For use with digital services</b>		
(a) Single line T/R, T1/R1, miniature eight position non-keyed network interface for 1.544 Mbps digital service	8.00	RJ48C
(b) Miniature fifty-position ribbon, for connection of up to twelve four wire 1.544 Mbps digital lines	20.00	RJ48H
(c) Up to eight lines, eight T/R, eight T1/R1, fifty position miniature ribbon network interface for 1.544 Mbps digital service	17.00	RJ48M
(d) Two, two-wire T/R line or one, four-wire T/R, T1/R1 line, miniature eight position keyed network interface for local area data channels/subrate digital service	9.00	RJ48S

Note 1: Text is shown as new due to reissue of all Tariff Sections. No changes in rates or regulations were made with this filing.